

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRENDALIS ROLDAN,

Plaintiff,

-against-

JUDGE WAKSBERG, Bronx County Family
Court, et al.,

Defendants.

25-CV-3169 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se*, styled this complaint as a *qui tam* action under the False Claims Act (“FCA”), 31 U.S.C. § 3729, *et seq.* By order dated April 28, 2025, the Court notified Plaintiff that: (1) an action under the FCA cannot be brought *pro se*; (2) the action would be dismissed without prejudice in 30 days unless she obtained counsel; and (3) any claims that she was asserting that did not arise under the FCA should be brought in a separate action. Plaintiff then filed a new action, naming many of the same Defendants, and that action remains pending. *See Roldan v. Family Court of the City of New York*, No. 25-CV-4594 (JHR) (RFT) (S.D.N.Y. filed May 29, 2025).

Plaintiff did not obtain counsel to represent her in this FCA action, and on May 30, 2025, the Court dismissed this action in its entirety without prejudice. Before judgment entered, Plaintiff filed numerous applications, which are now pending before the Court: (1) a “Notice and asking courts for leave to serve rule 36 requests for admissions” (ECF 7); (2) a “Notice of removal to federal court pursuant to 28 U.S.C. § 1446 and assertion of federal jurisdiction under 28 U.S.C. §§ 1331, 1443, 1441, and 1446” (ECF 8); (3) a “Notice of supplemental filing and objection to any attempted remand without due process” (ECF 9); (4) proof of service of

summons on Family Bronx Court (ECF 10);¹ (5) a “Response to order of dismissal and motion to reconsider sealing, ADA accommodations, and Rule 27 petition under the First, Fifth, and Fourteenth Amendments, 42 U.S.C. § 12101 et seq., and Fed. R. CIV. P. 27” (ECF 11); (6) an affidavit of service on Bronx Family Court (ECF 12); (7) a letter dated June 11, 2025 from Brendalis Roldan (ECF 13); and (8) a “Response to order of dismissal and motion to reconsider sealing, ADA accommodations, and Rule 27 petition under the First, Fifth, And Fourteenth amendments, 42 U.S.C. § 12101 et seq., and Fed. R. Civ. P. 27” (ECF 14).

The Court has reviewed Plaintiff’s applications in this closed action (ECF 7-14) and concludes that she is not entitled to relief. Plaintiff’s attempted removal of a pending Family Court action cannot proceed in this action, originally filed under the FCA, among other reasons, because this action is already closed. The Clerk of Court is therefore directed to send a copy of this order to the Family Court, Bronx County, to clarify that the notice filed in this closed case purporting to remove Roldan’s Family Court proceedings is not effective. (ECF 8-10, 12.)

Plaintiff’s “responses” to the Court’s order of dismissal without prejudice, which the Court construes as motions for relief under Rules 59(e) and 60(b) of the Federal Rules of Civil Procedure, are also denied because Plaintiff does not establish any basis for relief. (ECF 11, 14.) Plaintiff’s letter-request for a detailed log of all court users who handled her documents, which she seeks due to alleged “clerical errors” (ECF 13), is denied as she also does not establish any basis for such relief; this action was dismissed on the ground that Plaintiff cannot pursue an action under the FCA *pro se*, a result that is unrelated to any alleged clerical errors.

¹ The Court notes that no summonses have issued from the court in this *in forma pauperis* action, which is subject to screening under 28 U.S.C. § 1915(e)(2)(B).

Plaintiff's requests to recharacterize this action as a petition to perpetuate testimony and to serve requests for admissions (ECF 7) are also denied because this action is closed, and she has not shown any basis for reconsidering the order of dismissal.

CONCLUSION

Plaintiff's applications for relief are denied, and her attempted removal of her pending Family Court proceedings within this closed federal civil action is ineffective. (ECF 7-14.) The Clerk of Court is directed to send a copy of this order to the Family Court, Bronx County, at the following address: Bronx County Family Court, 900 Sheridan Ave, Bronx NY 10451.

The Clerk of Court is directed to enter judgment in this matter, in accordance with the May 30, 2025 order of dismissal.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: June 25, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge